

## REMARKS

Claims 8 to 18 are pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 8 to 14 and 16 to 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,949,492 (“Mankovitz”) and U.S. Patent No. 5,872,926 (“Levac”).

Claims 8 and 17 relate to methods for transmitting information between an infrastructure and data users, the data users including terminal devices in a motor vehicle. Claims 8 and 17 provide that the terminal devices have different data processing capabilities and that the method includes adapting data from a data service in a standardized format to the different data processing capabilities of the terminal devices. The data is adapted via interfaces situated in the infrastructure. Claims 8 and 17 also provide the features in which *the different data processing capabilities of the terminal devices are identified based on at least one of a terminal device identifier and a terminal device code transmitted by a respective terminal device to the service provider*.

Hence, according to claims 8 and 17 a terminal sends its own identifier or code to the service provider in order to allow the service provider to adapt the message to be sent to the terminal.

Claims 11, 16 and 18, as presented, relate to devices for transmitting information between an infrastructure and data users. Claims 11, 16 and 18, as presented, include features like those of claims 8 and 17, as presented.

It is respectfully submitted that Mankovitz and Levac, whether taken alone or combined, do not disclose or suggest a method or device for transmitting information between an infrastructure and data users, in which *different data processing capabilities of terminal devices of the data users are identified based on at least one of a terminal device identifier and a terminal device code transmitted by a respective terminal device to the service provider*, as provided for in the context of claims 8, 11 and 16 to 18.

The Final Office Action admits on page 3 that Mankovitz does not disclose or suggest these claimed features, and instead relies on Levac. However, in col. 2, lines 8 to 13, Levac states that “[t]he message server receives a communication generated by the message source. The communication includes a message portion and a message parameter portion, which includes information specifying a communication destination having at least one of the

types of communication devices.” In other words, according to Levac the message server receives all information about the destination from the message source, not from the destination. Hence, even if one were to assume that the message parameter portion includes information about the capabilities of the destination device (which Levac does not disclose or suggest), then the message source (e.g., a different device) would need to know the specific data capabilities of the destination. But such an approach is wholly different from the presently claimed subject matter, which provides that the destination send an identifier when requesting a message from the provider.

In view of the foregoing, it is respectfully submitted that even if Mankovitz and Levac are combined (the properness of which is not conceded) it does not render unpatentable claims 8, 11 or 16 to 18, as presented, so that these claims are allowable.

Claims 9 and 10 depend from claim 8, and claims 12 to 14 depend from claim 11, and are therefore allowable for the same reasons as their base claims 8 and 11, respectively.

In view of all of the foregoing, withdrawal of the obviousness rejections is respectfully requested.

Claim 15 was rejected under 35 U.S.C. 103(a) as unpatentable over Mankovitz and Levac in view of Ellis et al., U.S. Patent No. 5,699,255.

Claim 15 includes features like those of the other independent claims, and is therefore allowable for essentially the same reasons, since the third-level Ellis reference does not cure the critical deficiencies of the primary references.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

In sum, claims 8 to 18 are allowable.

**Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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